LEWIS AND ROCA LLP 1 Electronically Filed November 5, 2007 Susan M. Freeman (AZ 4199) 2 pro hac vice Rob Charles (NV 6593) 3 Anne M. Loraditch (NV 8164) 530 Las Vegas Boulevard South Las Vegas, Nevada 89101 4 Telephone (702) 385-3373 5 Facsimile (702) 385-9447 Email: sfreeman@lrlaw.com rcharles@lrlaw.com 6 aloraditch@lrlaw.com 7 Attorneys for USACM Liquidating Trust UNITED STATES BANKRUPTCY COURT 8 9 DISTRICT OF NEVADA In re: 10 Case No. BK-S-06-10725-LBR Case No. BK-S-06-10726-LBR 11 USA COMMERCIAL MORTGAGE COMPANY. Case No. BK-S-06-10727-LBR Case No. BK-S-06-10728-LBR 12 USA CAPITAL REALTY ADVISORS, LLC, Case No. BK-S-06-10729-LBR 13 USA CAPITAL DIVERSIFIED TRUST DEED CHAPTER 11 FUND, LLC, 14 Jointly Administered Under USA CAPITAL FIRST TRUST DEED FUND, LLC. Case No. BK-S-06-10725 LBR 15 USA SECURITIES, LLC, NOTICE OF ENTRY OF ORDER 16 Debtors. SUSTAINING OBJECTION OF USACM TRUST TO STANLEY PACZOSA'S 17 Affects: CLAIM FILED IN WRONG DEBTOR'S ☐ All Debtors CASE; AND SUSTAINING OBJECTION 18 ☑ USA Commercial Mortgage Company OF DTDF TO PROPOSED ALLOWANCE ☐ USA Capital Realty Advisors, LLC OF CLAIM; AND CERTIFICATE OF 19 ☑ USA Capital Diversified Trust Deed Fund, LLC **SERVICE** ☐ USA Capital First Trust Deed Fund, LLC ☐ USA Securities, LLC 20 PLEASE TAKE NOTICE that on the 1st day of November 2007, the Court in the 21 above-captioned case entered its Order Sustaining Objection of USACM Trust to Stanley 22 Paczosa's Claim Filed in Wrong Debtor's Case; and Sustaining Objection of DTDF to 23 Proposed Allowance of Claim, a copy of which is attached hereto. 24 /// 25

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	LEXS 6-10725-gwz Doc 5261 Entered 11/05/07 10:40:50 Page 2 of 5
	ROCA LAWYERS
1	DATED this 5th day of November 2007.
2	LEWIS AND ROCA LLP
3	By/s/ Anne M. Loraditch (008164)
4	By /s/ Anne M. Loraditch (008164) Susan M. Freeman Rob Charles
5	Anne M. Loraditch 530 Las Vegas Boulevard South Las Vegas, Nevada 89101
7	Telephone: (702) 385-3373 Facsimile: (702) 385-5024
8	Attorneys for USACM Liquidating Trust
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10	
11	CERTIFICATE OF SERVICE
12	I certify that a copy of the foregoing was served via first class mail, postage
13	prepaid, addressed as set forth below, on this 5th day of November 2007, to:
14	Stanley Paczosa 8617 Linderwood
15	Las Vegas, NV 89134
16	By /s/ Tamika Shauntee
17	Tamika Shauntee, Lewis and Roca LLP
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Case: 06-10725-lbr Doc #: 5216 Filed: 11/01/2007 Page: 1 of 3 ES BANKRUD 1 2 **Entered on Docket** November 01, 2007 3 Hon. Linda B. Riegle United States Bankruptcy Judge 5 LEWIS AND ROCA LLP **ORRICK, HERRINGTON &** SNELL & WILMER, LLP 6 Susan M. Freeman (AZ 4199) SUTCLIFFE LLP Robert R. Kinas (NV 06019) pro hac vice Claire Dossier (NV 10030) Marc A. Levinson (CA 57613) 7 Rob Charles (NV 6593) pro hac vice 3883 Howard Hughes Parkway Anne M. Loraditch (NV 8164) Jeffery D. Hermann (CA 90445) **Suite 1100** 8 530 Las Vegas Boulevard South pro hac vice Las Vegas, Nevada 89169 Las Vegas, Nevada 89101 400 Capitol Mall Telephone: (702) 784-5200 9 Telephone (702) 385-3373 Sacramento, California 95814 Facsimile: (702) 784-5252 Facsimile (702) 385-9447 Telephone: (916) 447-9200 Email: rkinas@swlaw.com Email: sfreeman@lrlaw.com Facsimile: (916) 329-4900 10 cdossier@swlaw.com rcharles@lrlaw.com Email: malevinson@orrick.com 11 aloraditch@lrlaw.com ihermann@orrick.com Attorneys for USACM Liquidating Trust Attorneys for USA Capital Diversified Trust Deed Fund, LLC 12 UNITED STATES BANKRUPTCY COURT 13 DISTRICT OF NEVADA 14 Case No. BK-S-06-10725-LBR In re: Case No. BK-S-06-10726-LBR 15 USA COMMERCIAL MORTGAGE COMPANY, Case No. BK-S-06-10727-LBR Case No. BK-S-06-10728-LBR 16 USA CAPITAL REALTY ADVISORS, LLC, Case No. BK-S-06-10729-LBR 17 USA CAPITAL DIVERSIFIED TRUST DEED CHAPTER 11 FUND, LLC, 18 Jointly Administered Under 19 USA CAPITAL FIRST TRUST DEED FUND, LLC, Case No. BK-S-06-10725 LBR USA SECURITIES, LLC, ORDER SUSTAINING OBJECTION OF 20 Debtors. **USACM TRUST TO STANLEY** 21 PACZOSA CLAIM FILED IN WRONG Affects: **DEBTOR'S CASE; AND SUSTAINING** ☐ All Debtors **OBJECTION OF DTDF TO PROPOSED** 22

■ USA Commercial Mortgage Company

☐ USA Capital First Trust Deed Fund, LLC

☑ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital Realty Advisors, LLC

☐ USA Securities, LLC

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ALLOWANCE OF CLAIM

October 15, 2007

9:30 a.m.

Hearing Date:

Hearing Time:

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ROCA LAWYERS

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The Court having considered the "Objection of USACM Trust to Stanley Paczosa Claim Filed in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of Claim" [Docket No. 4682] (the "Objection"); with appearances as set forth in the record at the hearing noted above; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

- 1. The Objection is sustained;
- 2. Proof of Claim No. 10725-01222 is disallowed in its entirety as against USA Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF"); and
- 3. Stanley Paczosa's equity interest in DTDF is allowed in the amount of \$72,070.98, as reflected in DTDF's books and records as of April 13, 2006.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

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Case 06-10725-gwz Doc 5261 Entered 11/05/07 10:40:50 Page 5 of 5 .H. C. Ses 06-10725-lbr Doc #: 5216 Filed: 11/01/2007 Page: 3 of 3 LAWYERS **RULE 9021 DECLARATION** 1 In accordance with Local Rule 9021, the undersigned certifies: 2 3 The Court waived the requirements of LR 9021. I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at 4 the hearing noted above, and each has: 5 approved the form of this order; and/or 6 waived the right to review the order; and/or and failed to file and serve papers in accordance with LR 9021(c); and 7 the following have disapproved the form of the order: 8 No opposition was filed to the objection and no other party or counsel appeared at 9 the hearing. 10 LEWIS AND ROCA, LLP 11 By: s/ Anne M. Loraditch 12 Anne M. Loraditch (Nevada Bar No. 8164) 530 Las Vegas Boulevard South 13 Las Vegas, Nevada 89101 14 ### 15 16 17 18 19 20 21 22 23 24 25 26